IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7219 OF 2006

Mr.Issamuddin H. Shaikh ..Petitioner.

V/s.

The Muslim Jamat Hussain Shah Baba Trust & Ors. ..Respondents.

Mr.Salil U Ray for petitioner.

Mr.A.M.Joshi for respondents 1 to 6.

CORAM : ABHAY S.OKA, J.

DATED : 11th APRIL, 2007.

P.C. :-

The learned counsel for the petitioner seeks permission to withdraw this petition with liberty to file an appeal from order under Order 43 of the Code of Civil Procedure, 1908 for challenging the impugned order. He submits that there will be a delay in preferring the appeal and the same may be condoned.

2. The delay cannot be condoned at this stage. However, if application for condonation of delay is made, it is always open for the petitioner to point out that this Writ Petition was filed on 12th October, 2006, notice before admission was issued by this Court on 28th November, 2006 and the same remained pending till today.

3. Dismissed as withdrawn with liberty as prayed.

4. All contentions of the parties are kept open.

(ABHAY S. OKA, J.)